



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

B. Robert MOZAYENI et al.

Appl. No. 10/755,208

Filed: 12 January 2004

For: **SYSTEMS AND METHODS FOR USING
DYNAMIC VASCULAR ASSESSMENT TO
IMPROVE VASCULAR STENT
PLACEMENT, APPLICATION, DESIGN AND
MARKETING**

Confirmation No. 8736

Art Unit: 3768

Examiner: Michael T. Rozanski

Atty. Docket: 05162.0004.CPUS13

**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER PRIOR ART**

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, NEW HEALTH SCIENCES, INC., owner of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 25 U.S.C. §154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior **Patent No. 6,656,122** to Davidson et al. and **Patent No. 7,104,958** to Crutchfield et al. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in U.S.C. §154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any

manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,


Michael J. Bell (Reg. No. 39,604)

Date:

6/14/08
HOWREY LLP
2941 Fairview Park Drive, Box 7
Falls Church, VA 22042
(703) 663-3600